

think it is worth repeating—a few of the Republican leader's past statements on the importance of 60 votes.

The Republican leader said: "Now, look, we know that on controversial matters in the Senate, it has for quite some time required 60 votes."

Another direct quote by the Republican leader:

[R]equiring 60 votes, particularly on matters of this enormous importance, is not at all unusual. It is the way the Senate operates.

The Republican leader also said:

Matters of this level of controversy always require 60 votes. So I would ask my friend, the majority leader, if he would modify his consent request to set the threshold for this vote at 60?

On July 30 the Republican leader said again—I am running through the months here:

For him to suggest that a matter of this magnitude, in a body that requires 60 votes for almost everything, is going to be done with 51 votes makes no sense at all.

Again he said:

So it is not at all unusual that the President's proposal of this consequence . . . would have to achieve 60 votes. That is the way virtually all business is done in the Senate . . .

The Republican leader holds himself as the person who has established this rule—the so-called McConnell rule—and is boasting about it. He has insisted on the 60-vote threshold time and time again over the past 5 years. So it is without logic, and it would deviate from the norm, that he, the Republican leader, has made. So I guess that is where we are. We are now operating under a 60-vote threshold and that is the norm that he, the Republican leader, has established around here.

The Republican leader's newfound support of the 51-vote threshold is timely, given his proposal to curb EPA regulatory powers because of an issue he thinks exists, even though there has been no rule promulgated by the White House. He is looking way off into the future. We have had months and months of people offering their opinions and suggestions as to how, if at all, this proposed rule could be changed, but he wants to do something about it even though there is nothing to change right now.

It is patently unfair to give the Republican leader a simple majority vote on his amendment when there have been so many other pieces of legislation he has blocked with the 60-vote threshold. However, we Democrats are willing to meet the Republican leader and his caucus halfway.

Here is the suggestion. We will agree to a simple majority vote on the Republican leader's EPA amendment in exchange for a 51-vote threshold on bills that are important to American families, such as an increase in the Federal minimum wage. A vast majority of the American people—Democrats, Republicans, and Independents—want the minimum wage raised.

How about a vote on equal pay for working women? The vast majority of American people want their wives, daughters, mothers, and sisters to have the same paycheck when they do the same work as a man.

How about legislation permitting student borrowers to refinance their student loans? They blocked us on that legislation with the 60-vote threshold.

How about energy efficiency legislation? They blocked that many times.

How about a simple majority vote on the disclosure of campaign contributions? How about a simple majority vote on updating voting right protections that the Supreme Court did away with? How about a simple majority vote for background checks on gun purchases? Eight-five to 90 percent of the American people support that, and over half the NRA members support that.

What I am saying is, OK, if the Republican leader wants to vote on the EPA amendment with a simple majority vote, fine, we will take that. But let's have a simple majority vote on these other issues we feel are extremely important to help the middle class.

In exchange for a simple majority vote on legislation—I repeat, legislation that is so timely—such as, minimum wage, student loans, equal pay for men and women, energy efficiency legislation, and background checks for gun purchases, we could have a simple majority vote on the EPA amendment.

It is only fair that bills blocked by the McConnell rule be granted the same treatment as the Republican leader's own legislation. To do otherwise would be unjust to the many Senators who introduced legislation that is important to American families.

I hope we can come to a quick agreement on this offer and move to an open amendment process on appropriations bills, which should make Republicans happy. They said they wanted amendments; they can have amendments.

#### RESERVATION OF LEADER TIME

Will the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5:30 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

LANCE CORPORAL BRANDON GARABRANT

Mrs. SHAHEEN. Madam President, it is with a heavy heart that I rise this evening to honor the life and service of U.S. Marine Corps LCpl Brandon Garabrant. Brandon was a native of Greenfield, NH, who, sadly, was killed in action on Friday in Afghanistan.

Lance Corporal Garabrant was serving his first tour overseas after completing basic training at Camp Lejeune last year.

In the days since we learned that Brandon made the ultimate sacrifice for his country, we have been touched by the selfless devotion with which he lived his life and which defined him as a citizen and a marine.

His dedication to our country was so focused that he completed his basic training at Camp Lejeune just 1 day before he graduated from ConVal Regional High School. Brandon also served throughout his high school years as a volunteer firefighter with the Temple Volunteer Fire Department.

Although he was just 19 years old when he deployed to Afghanistan, Brandon faced the enormous task of defending our Nation with unshakable conviction.

Brandon's thoughts on the eve of his April deployment most aptly demonstrate his devotion to his country, to his community, and to his fellow marines. Brandon wrote:

Fighting for our country, our brothers to the left and right, our friends and families back home. So that you can have the right for freedom and to live the American dream without fear of anything. Here comes a long journey into the unknown.

It is certainly a very long journey for Brandon.

Brandon is survived by his mother Jessie, his father John, and his younger siblings Jacob and Mykala.

It is my hope that during this extremely difficult time Brandon's family and friends will find comfort in knowing that Americans everywhere appreciate deeply his sacrifice in defense of our country so the rest of us may continue to live in peace and freedom.

Brandon epitomized the best New Hampshire tradition of service, and his example will not soon be forgotten by those who were fortunate enough to have known him.

I ask my colleagues and all Americans to join me in honoring the life and service of this brave young American, Brandon Garabrant.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRUST GAP

Mr. COATS. Madam President, I just returned a couple of hours ago to Washington from Indiana, and over the last several months, as I have been visiting and talking to Hoosiers, I have continued to hear concerns about—and I am concerned, frankly—this widening trust deficit between the American people—at least the people I represent, and I think I can say pretty much across this country—and Washington. The American people lack confidence in Washington, confidence that they are getting the straight story, the hard truth. Not a lot of good things over the past several months have come out of either this body or a number of Washington agencies.

This trust gap is ever widening as we have kind of careened from scandal to scandal, incident to incident, broken promises made by top officials, false statements being made, the latest of which is now this resurrection again of the IRS scandal.

Let me say this: It has been said that no agency in Washington is less forgiving than the Internal Revenue Service. No agency in Washington has more power over the American people than the Internal Revenue Service. If there is an agency that needs to be apolitical and to not engage in anything that could even be deemed political, it is the IRS, given the power they have to destroy your reputation, destroy your finances, and destroy your business.

The way they work is they determine you are in violation, in a sense reversing what is sacrosanct in America; that is, you are innocent until proven guilty, but under the IRS, you are guilty until proven innocent. You have to hire lawyers and accountants and sit down with them to prove you are not violating their rules. That is upside down.

One of the founding principles which sets the United States apart from other nations and makes us exceptional is the First Amendment to the Constitution. Under the First Amendment, Americans are constitutionally guaranteed the right to organize around the issues and values they believe in and the right to disagree with their government. We look around the world and see that is not the case in very many places. But in America, that cherished right to take a position opposite our government—to protest, to organize, and to seek changes as a result of that organization—this liberty is part of what energizes and fuels the very spirit of America and everything we stand for.

So when a so-called independent agency of the Federal Government attacks average American citizens for expressing their beliefs, a fundamental trust is broken and it is very hard to repair. Again, no agency has perhaps more intimidating power over American citizens than the Internal Revenue Service.

We owe it to the American taxpayers to reveal the truth—the full truth—of

what has happened at the IRS and repair the damage of this agency's reckless actions in regard to those who have organized for political purposes, to protest, to assert their First Amendment rights, to follow the law and exercise those First Amendment rights, without having an agency of the government targeting them and intruding on what they are trying to do.

It is clear now that in 2010 the IRS targeted conservative groups—including one in my home State—for extra scrutiny based on political leanings. The agency displayed a stunning abuse of power and complete disregard of our Constitution in taking this action.

Lois Lerner, the former Director of the IRS's Exempt Organizations Unit and the official at the center of this ongoing congressional investigation, refuses to testify before Congress on the advice of her attorney. Yes, she has the right to plead the Fifth Amendment to not answer questions, but we are getting stonewalled by the IRS in getting to the bottom of this and determining what kind of abuse has taken place against the American people. We are trying to reach the truth, but we are being denied that opportunity to reach the truth because those who know the truth refuse to testify under subpoena from the Congress.

Last Friday my House colleagues heard testimony from IRS Commissioner John Koskinen about missing emails from Lerner and six of her IRS subordinates.

Now, isn't this a coincidence? We know the IRS has been targeting groups, attacking their First Amendment rights, and the House oversight committee is seeking to find out whether this happened. The IRS is denying it, but Lois Lerner refuses to testify.

IRS Commissioner Koskinen comes in and says this is not true. OK. Let's prove it.

The IRS asks taxpayers to prove they didn't violate their rights under the IRS rules, but when we ask the IRS: Can you prove whether what you are saying is the truth, that you were not targeting these organizations, they claim they lost the evidence. They say the server crashed and all the emails we could trace back to determine the truth of this are lost. They are all gone.

The American people know that you can get into hard drives and find out everything ever put in there. Isn't it strange that only the IRS determined that, well, this whole thing crashed, so let's get rid of the hard drives.

Now, thousands of emails that could have led to a trace and allowed us to find the truth, disappeared. What a coincidence.

Do we think the American people buy this story? It would be laughable if it wasn't so serious. To claim that 2 years' worth of emails were completely, inadvertently lost is laughable on its face.

So no emails, no backups, a crashed server, assertions made long after

Members of Congress requested the information demonstrates at best a troubling lack of transparency and potentially criminal negligence. After all, the IRS is required to archive these emails by law.

But let's put this in perspective. The very organization that expects busy, hard-working Americans to maintain meticulous financial records and complete extensive, confusing tax forms each year can't find 2 years' worth of emails sent by its own employees. Even though we live in a day and age where virtually nothing ever disappears from the Internet, the IRS wants us to believe these emails are lost for good—and maybe they are if they took all the steps they have taken.

So to echo the comments of my colleague chairman PAUL RYAN: The IRS owes every American taxpayer an apology.

But an apology is not enough. We need answers and we need to find the truth. When this scandal first surfaced, the President promised Americans that he would "work hand-in-hand with Congress to get this thing fixed." That is a quote, "I will work hand in hand with Congress to get this thing fixed."

So how are they fixing it? They are sending the employees who were engaged and involved in this, and they basically either take the Fifth Amendment, saying they will not answer the questions, or they say: Gee. We lost all this stuff. I am sorry. Each of our six hard drives collapsed, and therefore we can't retrieve any kind of evidence that would prove where they are.

I am not a big fan of special prosecutors. I think giving them that power has not always proven to be the best way to get to the bottom of something, but in certain cases where there is such clear evidence that the truth is being withheld and evidence that could lead us to a conclusion is potentially being destroyed—I think that is the only way we are going to get to the bottom of this.

We need to start restoring the trust of the American people in their government agencies and in their government. Until we get to the bottom of this, this widening trust gap is going to continue.

Appointing an independent investigator would allow us access to Federal computer records to determine whether copies of these missing emails can be found on the government IT network. Perhaps they have scrubbed them in a way that it will not happen, but at least it would allow us an independent assessment of what is going on.

We can work to restore trust, but doing so will require answers and honesty from the Internal Revenue Service, which we are not getting.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

#### RETIREMENT OF COLONEL MICHAEL COLBURN

Mr. LEAHY. Madam President, next month Col. Michael Colburn, who is the